

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DEBRA LYNN MERCER-ERWIN (1)  
and KAYLEIGH MOFFETT (2),**

**Defendants.**

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**Crim. No. 4:20-cr-212-ALM-KPJ**

**ORDER**

Pending before the Court is Defendants Debra Lynn Mercer-Erwin and Kayleigh Moffett’s (together, “Defendants”) Motion for Bill of Particulars (the “Motion”) (Dkt. 286), to which the Government filed a response in opposition (Dkt. 287). Upon consideration, the Motion (Dkt. 286) is hereby **DENIED**.

Federal Rule of Criminal Procedure 7(f) permits a defendant to request a bill of particulars, which provides details of the charges brought against the defendant so the defendant may prepare her defense and avoid surprises at trial. *See* FED. R. CRIM. P. 7(f); *United States v. Churchill*, No. 4:20-cr-252, 2021 WL 862306, at \*1 (E.D. Tex. Mar. 8, 2021). “A defendant possesses no right to a bill of particulars.” *United States v. Rodriguez*, No. 4:18-cr-216, 2020 WL 4689193, at \*4 (E.D. Tex. July 27, 2020) (quoting *United States v. Burgin*, 621 F.2d 1352, 1358 (5th Cir. 1980)), *R. & R. adopted*, 2020 WL 4674141 (E.D. Tex. Aug. 12, 2020). The trial court has discretion to grant a bill of particulars. *Churchill*, 2021 WL 862306, at \*1 (citing *Burgin*, 621 F.2d at 1358–59). A court abuses its discretion in denying a motion for a bill of particulars only when the denial results in actual surprise at trial and prejudice to the defendant’s substantial rights. *Id.* (citing *United States*

*v. Hughes*, 817 F.2d 268, 272 (5th Cir. 1987)). A court should only grant a bill of particulars if the information is necessary for the defendant to prepare for trial. *Rodriguez*, 2020 WL 4689193, at \*4 (quoting *United States v. Little*, No. 11-189-01, 2012 WL 566805, at \*1 (W.D. La. Feb. 19, 2012)).

In this case, the Court finds the Fifth Superseding Indictment (Dkt. 224) contains sufficient information to put Defendants on notice of the criminal charges against them and to avoid surprises at trial. Defendants, therefore, are not entitled to a bill of particulars.

Accordingly, Defendants' Motion (Dkt. 286) is **DENIED**.

**So ORDERED and SIGNED this 9th day of June, 2022.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE